

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD J. NICHOLAS,

Plaintiff,

v.

MARY CROSS, Magisterial District Judge,

Defendant.

Civil Action No. 06-201 Erie

MEMORANDUM ORDER

This civil rights action, with a motion to proceed in forma pauperis, was received by the Clerk of Court on September 6, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on September 12, 2006, recommended that Plaintiff's action be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(d). The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendant. No objections were filed. After de novo review of the motion and complaint, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2nd day of October, 2006;

IT IS HEREBY ORDERED that the this action is DISMISSED as legally frivolous pursuant to 28 U.S.C. § 1915(d).

The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on September 12, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge